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CENTRAL FAX CENTER****OCT 25 2006****REMARKS**

The above-identified application is United States application serial number 10/866,385 filed on June 10, 2004.

**Claim Objections**

Claims 3, 9, 17, and 23 are objected to because in the statements "the corresponding CCS" or "the corresponding processor unit", the Examiner is uncertain as to what a particular CCS/processor corresponds to. In response, Applicant has corrected Claims 3, 9, 17, and 23 to change the antecedents "the" to --a--.

Claim 24 is objected to because in the statement "the corresponding communication path", the Examiner is uncertain as to what a particular communication path corresponds to. In response, Applicant has corrected Claim 7 to change the antecedent "the" to --a--.

Claim 7 is objected to because line 3 states "andcomputer" as one word. In response, Applicant has corrected Claim 7 to separate the words "and" and "computer".

Removal of the objections to Claims 3, 7, 9, 17, 23 and 24 is respectfully requested.

**Claim Rejections - 35 USC § 112**

Claims 13, 19, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has corrected the antecedent issues in Claims 13 and 19, and amended Claim 27 to remove the language "and/or". Removal of the rejection of Claims 13, 19, and 27 is respectfully requested.

### Claim Rejections - 35 USC § 101

Claims 1, 5-7 and 11-14 have been amended to include computer instructions/data structures stored on a computer readable medium in order to overcome the rejection under 35 USC § 101 as being directed to non-patentable subject matter. Removal of the rejection of Claims 1-16 under 35 USC § 101 is respectfully requested.

### Claim Rejections - 35 USC § 102

Claims 1- 11, 13, 14, 16, 17, 18, 20, 23, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Jardine *et al.* (U.S. Patent No. 5,884,018).

Claim 1 recites "evaluate connectivity condition scores (CCSs) for the processor units, wherein the processor units are operable to communicate with each other via at least two communication paths, and the CCSs are based on weighted sums of connectivity errors experienced on the communication paths during an observation period". Support for this feature is found at least in paragraphs [0034] through [0036] of the specification. In contrast, none of the cited references disclose or suggest the CCSs being based on weighted sums of connectivity errors. Claim 1 is distinguishable from the prior art for at least these reasons.

Claims 2-6 depend from Claim 1 and include features that further distinguish them from the prior art. For example, Claim 4 recites "a decay factor is used to define how fast historic CCSs are decayed over an observation period." This feature is supported at least by paragraphs [0040] through [0041] of the specification. Allowance of Claims 1-6 is respectfully requested.

Claim 7 has been amended to include features of Claim 9, now canceled, and recites "the number of connectivity errors during previous observation time periods are factored into the corresponding CCS during an observation time period". The cited portion of Jardine does not disclose or suggest this feature. Rather, Jardine teaches a connectivity matrix wherein each entry  $C(i,j)$  indicates the ability of processor  $i$  to receive a message from processor  $j$ . If the ability exists, the entry is set to one (logical

TRUE). Otherwise, the entry is set to zero (logical FALSE). (Jardine col. 13 line 46 through column 14 line 2). The entries in the connectivity matrix in Jardine are thus independent of previous entries in the connectivity matrix. Claim 7 is distinguishable from the prior art for at least these reasons.

Claims 8 and 10-13 depend from Claim 7 and include features that further distinguish them from the cited references. Allowance of Claims 7, 8 and 10-13 is respectfully requested.

Claim 14 has been amended to include the features of Claim 15, which was noted as being allowable. Claims 16-22 depend from Claim 14 and include features that further distinguish them from the prior art. Allowance of Claims 14 and 16-22 is respectfully requested.

Claim 23 has been amended to recite "the number of connectivity errors during previous observation time periods are factored into the corresponding CCS during an observation time period". Neither Jardine or Lim disclose or suggest this feature. Claim 23 is distinguishable from the prior art for at least these reasons.

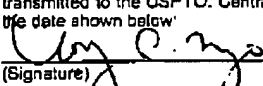
Claims 24-27 depend from Claim 23 and include features that further distinguish them from the cited references. Allowance of Claims 23-27 is respectfully requested.

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## CONCLUSION

The application, including claims 1-8, 10-14, and 16-27, is believed to be in condition for allowance and notice to that effect is solicited. Should any issues remain that might be subject to resolution through a telephone interview, the examiner is requested to telephone the undersigned at (949) 350-7301.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO. Central Number at (571) 273-8300 on the date shown below:	
	
(Signature)	
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Respectfully submitted,

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